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| 10/725,110 | 12/01/2003 | Karlheinz Dorn | P02,0630-01 | 3328 |

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| EXAMINER |
|---|
| LOUIE, OSCAR A |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 August 2007*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.      In view of the Appeal Brief filed on 11/29/2007, PROSECUTION IS HEREBY

REOPENED. A new grounds of rejection as necessitated by the applicant's amendments for

Claims 1-11 is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

## *Specification*

2.      The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter.  See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).  Correction of the

following is required: Claims 10 & 11 recite a "memory" and a "computer readable data storage

media," however, the applicant's disclosure lacks a clear teaching as to what a "memory" or

"storage media" includes (i.e. hard disk drives, CD-R, DVD-R, magnetic tape backup, etc).  The

examiner notes that the applicant's disclosure appears to provide a very broad definition of these

terms and includes coverage for non-statutory subject matter (i.e. transmission mediums, carrier

waves, etc.).

## *Claim Rejections - 35 USC § 101*

3.      35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

Claims 10 & 11 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

-      Claim 10 recites a "memory" with "software modules," however, because it is unclear as

to the scope of what a "memory" entails (as recited above under the "Specification"

objection), the examiner has interpreted the limitation "memory" to include coverage for

non-statutory subject matter (i.e. transmission mediums), thereby rendering Claim 10 as

non-statutory in accordance with 35 U.S.C. 101.

- Claim 11 recites a "storage media" with "software modules," however, because it is

unclear as to the scope of what a "storage media" entails (as recited above under the

"Specification" objection), the examiner has interpreted the limitation "storage media" to

include coverage for non-statutory subject matter (i.e. transmission mediums), thereby

rendering Claim 10 as non-statutory in accordance with 35 U.S.C. 101.


### Claim Rejections - 35 USC § 102

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.      Claims 1, 9, 10, & 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans

et al. (US-7213054-B2).

Claim 1:

Evans et al. disclose a method for logging a new user into a data processing device with an

operating system and an accessible element that is at least one of an application program and

sensitive data comprising,

- "ending a first user's access to the accessible element without unloading or restarting the accessible element" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43];

- "determining authentication data for authenticating a second user" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];

- "defining an identity and access rights depending on the authentication data for the second user" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];

- "providing access, depending on the defined access rights, for at the accessible element, that has not been unloaded or restarted, by the second user" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43].

Claim 9:

Evans et al. disclose a method for logging a new user into a data processing device with an

operating system and an accessible element that is at least one of an application program and

sensitive data, as in Claim 1 above, further comprising,

- "blocking all access rights based upon a failed attempt to authenticate a user in the first

    step" (i.e. "If the authentication was not a success, then in accord with step 204 (NO),

    process 200 returns to logon screen 100") [column 5 lines 66-67].

Claim 10:

Evans et al. disclose a computer system comprising,

- "an accessible element that is at least one of an application program and sensitive data

    that is accessible by a first user and a subsequent second user without unloading or

    restarting the accessible element" (i.e. "the user's desktop remains running and all

    applications that have been started on that desktop continue to run…At this point, the

    desktop is said to be "switched out", but it is still active. The user will need to log on

    again in accord with process 200 to have the active desktop "switched in"") [column 6

    lines 36-43];

- "a program stored in a memory element of the computer memory" (i.e. "A number of

    program modules may be stored on the hard disk, magnetic disk 29, optical disk 31,

    ROM 24, or RAM 25, including an operating system 35, one or more application

    programs 36, other program modules 37, and program data 38") [column 4 lines 19-23];

- "a software module or algorithm for determining authentication data for authenticating the second user with respect to the accessible element" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];

- "a software module or algorithm for defining an identity and access rights depending on the authentication data" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];

- "a software module or algorithm for providing access, depending on the defined access rights, for the accessible element" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43].

Claim 11:

Evans et al. disclose a computer readable data storage media having a program comprising,

- "a software module or algorithm for determining authentication data for authenticating a user into a data processing device with an operating system and an accessible element that is at least one of an application program and sensitive data" (i.e. "In step 202, the user provides the necessary inputs to logon as part of the user authentication scheme. For example, the user selects text identifier 110 or graphical identifier 112 and subsequently enters a password in password input field 114") [column 5 lines 60-64];

- "a software module or algorithm for defining an identity and access rights depending on the authentication data" (i.e. "Using Windows NT profiles, the user's data is separated from other user's data and depending on the user's or the computer manager's preferences, access to other user's data can be secured") [column 5 lines 41-44];

- "a software module or algorithm for providing access by the user, depending on the defined access rights, for the accessible element subsequent to an access of the accessible element by a prior first user without unloading or restarting the accessible element" (i.e. "At this point, the desktop is said to be "switched out", but it is still active. The user will need to log on again in accord with process 200 to have the active desktop "switched in"") [column 6 lines 40-43].

### *Claim Rejections - 35 USC § 103*

6.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.      Claims 2-5, 7, & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US-7213054-B2) in view of Dutcher (US-6021496-A).

Claim 2:

Evans et al. disclose a method for logging a new user into a data processing device with an operating system and an accessible element that is at least one of an application program and sensitive data, as in Claim 1 above, further comprising,

- "performing a user switch process step that causes the method to begin again at the first

   step" (i.e. "the operating system will automatically switch back to the logon desktop after

   a user configurable timeout period") [column 5 lines 52-54];

but they do not disclose,

- "displaying a user interface, depending on the defined access rights," although Dutcher

   does suggest a module which controls the display interface, as recited below;

- "content of a user interface remaining unchanged until access rights have been defined

   again," although Dutcher does suggest user accounts having access privileges, as recited

   below;

however, Dutcher does disclose,

- "This module also controls the visual elements of the interface including displaying the

   logon panel, collecting the userid and password from the user, displaying messages, etc"

   [column 14 lines 17-38];

- "when the user account is established, the user may become a member of groups having

   access privileges. These privileges are typically set by system policies that control the

   functions clients are able to execute." [column 13 lines 51-62];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

applicant's invention to include, "displaying a user interface, depending on the defined access

rights" and "content of a user interface remaining unchanged until access rights have been

defined again," in the invention as disclosed by Evans et al. for the purposes of user switching

among user accounts with varying access privileges.

Claim 3:

Evans et al. and Dutcher disclose a method for logging a new user into a data processing device

with an operating system and an accessible element that is at least one of an application program

and sensitive data, as in Claim 2 above, but Evans et al. do not disclose,

- "the content of the user interface is reduced if the renewed definition of access rights

  defines a more limited scope than the previous definition allowed," although Dutcher

  does suggest user account clean up, as recited below;

however, Dutcher does disclose,

- "The routine begins at step 106 to determine whether the user account is to be cleaned

  up" [column 11 lines 26-41];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

applicant's invention to include, "the content of the user interface is reduced if the renewed

definition of access rights defines a more limited scope than the previous definition allowed," in

the invention as disclosed by Evans et al. for the purposes of cleaning up user accounts.

Claim 4:

Evans et al. and Dutcher disclose a method for logging a new user into a data processing device

with an operating system and an accessible element that is at least one of an application program

and sensitive data, as in Claim 3 above, but Evans et al. do not disclose,

- "generating a warning message indicating a reduction in content and that the user has an

  opportunity to begin the method at the first step again before the reduction," although

  Dutcher does suggest taking actions based on the outcome of the clean up routine, as

  recited below;

however, <u>Dutcher</u> does disclose,

- "Step 106 has a positive outcome at logoff, but there may be other occasions when the user is still logged on when it will be desirable to implement the routine" [column 11 lines 26-41];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "generating a warning message indicating a reduction in content and that the user has an opportunity to begin the method at the first step again before the reduction," in the invention as disclosed by <u>Evans et al.</u> for the purposes of user account clean up.

Claim 5:

<u>Evans et al.</u> disclose a method for logging a new user into a data processing device with an operating system and an accessible element that is at least one of an application program and sensitive data, as in Claim 1 above, further comprising,

- "starting the method from the first step again" (i.e. "the operating system will automatically switch back to the logon desktop after a user configurable timeout period") [column 5 lines 52-54];

but they do not disclose,

- "displaying a user interface in accordance with the access rights that are defined," although <u>Dutcher</u> does suggest a module which controls the display interface, as recited below;

- "deleting, by a User Logout procedure, content of a user interface," although <u>Dutcher</u> does suggest user account clean up, as recited below;

however, <u>Dutcher</u> does disclose,

- "This module also controls the visual elements of the interface including displaying the

    logon panel, collecting the userid and password from the user, displaying messages, etc"

    [column 14 lines 17-38];

- "If the policy is set to "delete the user account" (as signified by a value of 1 in this

    embodiment), a Win32 API is executed to delete the local user account" [column 12 lines

    38-40];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

applicant's invention to include, "displaying a user interface in accordance with the access rights

that are defined" and "deleting, by a User Logout procedure, content of a user interface," in the

invention as disclosed by <u>Evans et al.</u> for the purposes of user account clean up.

Claim 7:

<u>Evans et al.</u> disclose a method for logging a new user into a data processing device with an

operating system and an accessible element that is at least one of an application program and

sensitive data, as in Claim 1 above, further comprising,

- "starting the method from the first step again" (i.e. "the operating system will

    automatically switch back to the logon desktop after a user configurable timeout period")

    [column 5 lines 52-54];

but they do not disclose,

- "activating a screen saver by a defined condition to make a user interface illegible,"

    although <u>Dutcher</u> does suggest the use of a screen saver, as recited below;

however, Dutcher does disclose,

- "WIxscreenSaverNotify ()--handles screen saver display request" [column 15 lines 33-
34];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

applicant's invention to include, "activating a screen saver by a defined condition to make a user

interface illegible," in the invention as disclosed by Evans et al. for the purposes of a screen

saver.

Claim 8:

Evans et al. and Dutcher disclose a method for logging a new user into a data processing device

with an operating system and an accessible element that is at least one of an application program

and sensitive data, as in Claim 7 above, but Evans et al. do not disclose,

- "the defined condition is some amount of elapsed time," although Dutcher does suggest a

screen saver function that takes arguments, as recited below;

however, Dutcher does disclose,

- "WIxscreenSaverNotify ()--handles screen saver display request" [column 15 lines 33-
34];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the

applicant's invention to include, "the defined condition is some amount of elapsed time," in the

invention as disclosed by Evans et al. for the purposes of enabling a screen saver under a specific

condition (i.e. time).

8.     Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US-7213054-B2) in view of Win (US-6161139-A).

Claim 6:

Evans et al. disclose a method for logging a new user into a data processing device with an operating system and an accessible element that is at least one of an application program and sensitive data, as in Claim 1 above, but they do not disclose,

- "logging all access to the application program and all access to the sensitive data together with the respectively defined identity," although Win does suggest logging user activity, as recited below;

however, Win does disclose,

- "For each login attempt, the Login Tracking Service logs the user's login activity. It saves the time of last successful and unsuccessful logins and number of consecutive, unsuccessful login attempts. The last successful and unsuccessful login times are displayed to the user after each successful login. Users can thus detect if someone else has attempted to use their account" [column 9 lines 46-52];

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to include, "logging all access to the application program and all access to the sensitive data together with the respectively defined identity," in the invention as disclosed by Evans et al. for the purposes of tracking various aspects for security, debugging, and/or troubleshooting since the invention as disclosed by Win entails a network with user logins, where a logger or tracker service keeps record of the user activity.

### *Response to Arguments*

9.    Applicant's arguments filed 04/18/2007 have been fully considered but they are not

persuasive.

-    Applicant's arguments regarding independent Claims 1-5 & 7-9 have been considered

above in the standing 35 U.S.C. 102(b) rejections but are non-persuasive.  It is noted that

any computer system comprising user logon and authentication on a network comprises

at least two or more users, hence the definition of a computer network.

-    Applicant's arguments regarding Claim 6 have been considered above in the standing 35

U.S.C 103(a) rejection but is non-persuasive.  <u>Win</u> discloses a "Login Tracking Service"

that "logs the user's login activity," in a computer network environment with users.  This

is equivalent to the applicant's "logging," which also operates in a similar environment

and suggests logging information pertaining to the user's activity.

### *Conclusion*

10.    Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action.  Accordingly, **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
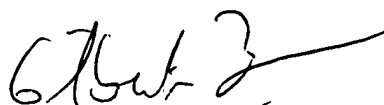
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Thursday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at 571-272-4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAL
02/07/2007

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